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14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**

16 IN RE APPLICATION OF
17 CONSUMER WATCHDOG AND LOS
18 ANGELES TIMES
19 COMMUNICATIONS LLC TO
20 UNSEAL COURT RECORDS

21 **Case No. 2:24-cv-01650-SB**

22 **THE CITY OF LOS ANGELES'S**
23 **MOTION TO INTERVENE TO**
24 **FILE STATEMENT OF**
25 **NONOPPOSITION TO MOTION**
26 **TO UNSEAL SEARCH WARRANT**
27 **MATERIALS [Dkt. # 6]**

28 Date: April 12, 2024
Time: 8:30 a.m.
Location: Courtroom 6C

1 TO THIS HONORABLE COURT, ALL PARTIES, AND THEIR COUNSEL OF
2 RECORD HEREIN,

3 PLEASE TAKE NOTICE that non-party the City of Los Angeles (the “City”)
4 hereby moves the Court, pursuant to Federal Rule of Civil Procedure 24, to allow the
5 City to intervene in Applicants Consumer Watchdog and Los Angeles Times
6 Communications LLC’s (“Applicants”) Application to Unseal Search Warrant
7 Materials (“Application to Unseal”). Dkt. # 6. The City seeks to intervene for the
8 limited purpose of stating its non-opposition to the Application to Unseal. The City
9 shares the goals of furthering transparency and public accountability and the
10 Statement is filed in support of that objective.

11 This motion is based upon the attached memorandum of points and authorities,
12 the files and records in this case, and such further evidence and argument as the Court
13 may permit.

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15 DATED: March 27, 2024

Respectfully submitted,

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HYDEE FELDSTEIN SOTO, City Attorney
KATHLEEN A. KENEALY, Chief Assistant
City Attorney
STREFAN FAUBLE, Assistant City Attorney

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By: /s/ Strefan Fauble
STREFAN FAUBLE
Assistant City Attorney

Attorneys for non-party CITY OF LOS ANGELES

1 **I. STATEMENT**

2 The City committed to, and provided, full and voluntary cooperation with the
 3 investigation (“Investigation”) into the *Jones v. City of Los Angeles* class action and
 4 related matters by the Federal Bureau of Investigation (“FBI”) and United States
 5 Attorney’s Office for the Central District of California (“USAO”). In order to
 6 facilitate and expedite cooperation during the Investigation, the City, the FBI, and the
 7 USAO obtained Orders pursuant to Federal Rule of Evidence (“FRE”) 502(d), to
 8 allow the City to quickly and freely produce material for use in the Investigation
 9 without any prior review by the City, without waiving the attorney-client or work-
 10 product privileges and without concern as to whether there were other privileged or
 11 unrelated matters included in the production. Respondent states that material covered
 12 by the FRE 502(d) Orders may be included in the documents at issue in Applicants’
 13 Application to Unseal. Dkt. #15, p. 5:11-12. Because the question has been raised as
 14 to whether the City objects to the release of its documents, the City requests that it be
 15 allowed to intervene for the limited purpose of stating its position in favor of
 16 transparency and public accountability for the materials at issue in the Application to
 17 Unseal.

18 On March 18, 2024, the USAO provided the Los Angeles City Attorney’s
 19 Office with a copy of Applicants’ Motion to Unseal and the USAO’s opposition
 20 thereto. Upon review, the City determined that the Application to Unseal is
 21 sufficiently limited in scope to address the bulk of the concerns the City otherwise has
 22 about production of documents that the City has not reviewed for privilege and
 23 protected under the FRE 502(d) orders. The Application to Unseal is tailored to the
 24 33 search warrants and related materials filed with the Court and used by the United
 25 States in its investigation (the “Requested Materials”). By definition, the Requested
 26 Materials relate directly to the matter at hand and would not include privileged
 27 information on other, unrelated matters that may have been on the computer drives or
 28 in the files seized by the FBI in the raids described in the Application to Unseal.

1 The City hereby advises the Court, the Applicants, and the United States that,
 2 as to the Requested Materials only, the City does not and will not assert attorney-
 3 client or work-product privilege. Even though the City has not been afforded the
 4 opportunity to review the Requested Materials for privilege or otherwise, the
 5 parameters in the Application to Unseal are defined such that the City has been able
 6 to make a reasonable determination not to assert its rights and privileges as to the
 7 Requested Materials. The City expressly reserves all of its other rights and privileges,
 8 including as to materials other than the Requested Materials under the FRE 502(d)
 9 orders, applicable privileges, and otherwise.

10 The City does not and cannot waive the individual privacy rights of any of its
 11 employees or any other individual identified in the Requested Materials¹. The City
 12 believes the request made by the United States to redact personal medical information
 13 and personal identifying information of individuals is essential and should be granted
 14 with respect to, at least, social security or driver license numbers, date of birth, home
 15 addresses, personal emails, personal telephones, bank account information, criminal
 16 history record information, and other privacy protected personal identifying
 17 information. The City has no position on the other concerns and redactions requested
 18 by the United States.

19 This request meets the requirements for both intervention as of right and
 20 permissive intervention pursuant to Federal Rule of Civil Procedure 24. The City's
 21 Motion is timely as the USAO only provided the Application to Unseal and its
 22 Opposition to the Application to Unseal to the City on March 18, 2024. Fed. R. Civ.
 23 P. 24(a). The City has an interest in stating its position so that transparency and
 24 accountability can be furthered in this action and it is the only party with the ability to
 25 state its position as to its own documents. Fed. R. Civ. P. 24(a)(2). Finally, the City's
 26 interests cannot be addressed by Applicants or by the United States, which made clear
 27 in its response to the Application to Unseal that it is leaving the question of disclosure
 28

¹ Having not reviewed the Requested Materials, the City does not know the identities of these individuals.

1 of the City's materials to the City. No other party can speak for the City.² The City
2 also meets the requirements for permissive intervention as the question of whether the
3 underlying material is privileged goes hand in hand with the underlying issues in the
4 Application to Unseal. Fed. R. Civ. P. 24(b)(1)(B). Finally, the City clearly does not
5 make this Motion for the purpose of undue prejudice or delay – the City simply wishes
6 to state its position and, if needed, address any concerns the Court may have about its
7 views relating to its documents which may be implicated by the materials requested to
8 be released. Fed. R. Civ. P. 24(b)(3). Certainly, no party will be unduly prejudiced by
9 the City's exercise of its right to articulate its position on this matter.

10 **II. CONCLUSION**

11 For the aforementioned reasons, the City respectfully requests this Court allow
12 it to intervene for the limited purpose of stating its position of non-opposition to the
13 disclosure of the Requested Materials.

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15 DATED: March 27, 2024

Respectfully Submitted,

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HYDEE FELDSTEIN SOTO, City Attorney
KATHLEEN A. KENEALY, Chief Assistant
City Attorney

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STREFAN FAUBLE, Assistant City Attorney

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By: _____ */s/ Strefan Fauble* _____
STREFAN FAUBLE
Assistant City Attorney

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Attorneys for non-party CITY OF LOS ANGELES

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² The City has already waived privilege on many of the documents currently in possession of the USAO. Those documents have been released, over time, in the course of other proceedings related to this criminal matter. Although there may be documents among the Requested Materials that are not currently public, the City has determined not to oppose their disclosure.

CERTIFICATE OF SERVICE

2 *In re Application of Consumer Watchdog and Los Angeles Times*
3 *Communications LLC to Unseal Court Records*, USDC CD CA Case No. Case No.
4 2:24-cv-01650-SB

5 I hereby certify that on March 28, 2024, I electronically filed the foregoing
6 THE CITY OF LOS ANGELES'S MOTION TO INTERVENE TO FILE
7 STATEMENT OF NONOPPOSITION TO MOTION TO UNSEAL SEARCH
8 WARRANT MATERIALS [Dkt. # 6] with the Clerk of the Court by using the
9 CM/ECF system. Participants in the case who are registered CM/ECF users will be
10 served by the CM/ECF system.

11 Executed on March 28, 2024, at Los Angeles, California.

/s/ Ava Smith